

# MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

## CHAPTER I GENERAL PROVISIONS

### REGULATION 1. Definitions

The following definitions shall apply throughout this Environmental Health Code, unless a different meaning is clearly indicated by the context or is stated in any of the several chapters.

- a. "Approved" or "approval" means acceptable to the Department and so stated in writing.
- b. "Board" means the Maricopa County Board of Supervisors.
- c. "Board of Health" means the Board of Health of Maricopa County.
- d. "Chairman" means the Chairman of the Maricopa County Board of Supervisors.
- e. "Clerk" means the Clerk of the Maricopa County Board of Supervisors.
- f. "Counsel" means an attorney licensed to practice law in the State of Arizona.
- g. "County" means Maricopa County.
- h. "Department" means the Maricopa County Environmental Services Department.
- i. "Environmental Health Code" means all of the rules and regulations which are adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. 36-183.02, 36-184, 36-187.C., 11-251 Paragraphs 17 and 31, 11-251.05, 11-251.08, 49-106, and 49-107, and which remain in force.
- j. "Environmental Health Officer" means the Director of the Maricopa County Environmental Services Department or his/her authorized Agents.
- k. "Municipality" means an incorporated area within Maricopa County.
- l. "Notice" means an enforcement notice issued by the Environmental Health Officer.
- m. "Parties" means the Defendant and the County.
- n. "Permit" means a written permit to operate, issued by the Maricopa County Environmental Services Department.

- o. "Person" includes any natural individual, firm, trust, partnership, association, institution, public body, corporation or any other entity and includes the

plural as well as the singular, feminine as well as the masculine.

- p. "Regulation" means the regulations in this Environmental Health Code and the regulations of the Arizona Departments of Health Services and Environmental Quality.

## **REGULATION 2. Purpose**

The rules and regulations adopted and contained herein, and the enforcement thereof by the Department, are designed and intended to provide minimum standards for the protection of the health of the people of Maricopa County and to prevent the creation or maintenance of unhealthful, unsanitary conditions or public health nuisances, and shall be liberally construed to accomplish these purposes.

## **REGULATION 3. Responsibilities - Right of Inspection**

- a. The owner, person in charge of control, lessee, tenant, and occupant of every building, establishment, premises, place, potable water supply, sewage works, sewerage, drainage or wastewater reclamation system has the duty to take all necessary, reasonable and usual precautions to keep, place and preserve the same in such condition, and to conduct and maintain the same in such manner, that it shall not be dangerous or deleterious to the public or in violation of the Rules and Regulations in this Environmental Health Code or the regulations of the Arizona Departments of Health Services and Environmental Quality.
- b. No person shall refuse to allow the Department to inspect fully any and all premises or facilities at any reasonable time, and no person shall molest or resist the Department in the discharge of its duties whether in inspections for application approval or for the enforcement of this Environmental Health Code.

## **REGULATION 4. Permits, Service, and Other Requirements**

- a. No person shall conduct an operation or an establishment for which a permit is required without holding the necessary and valid permit to do so, or otherwise than in compliance with the Rules and Regulations in this Environmental Health Code.
- b. Permit application shall be made on forms provided by the Department and shall be completed in all pertinent details.

R 2-1-95

- c. (1) No application for permit shall receive approval and no permit shall be issued and no facility for which a permit is required shall be placed in operation until the applicant demonstrates to the Department full compliance with the provisions of this Environmental Health Code.

- (2) The Environmental Health Officer may refuse to issue a permit to any person if the person fails to demonstrate sufficient reliability, expertise, integrity and competence to fulfill the requirements for permit and comply with applicable rules and regulations of this Environmental Health Code.
- d. Any person denied a permit based on Regulation 4.c.(2) of this Chapter may exercise the following options:
  - (1) Request, in writing, that the Environmental Health Officer specify conditions necessary to provide reasonable assurance that full compliance with provisions of this Environmental Health Code will be achieved. The Environmental Health Officer within five (5) working days of the request shall specify said conditions; or
  - (2) Request in writing a hearing before the Environmental Health Officer as specified in Chapter 1, Regulation 6.
- e. In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction be in conformance with the approved plans and specifications.
- f. The approval of plans and specifications shall lapse and become invalid one year from the date of approval unless a substantial portion of the work described in the plans and specifications has commenced by such anniversary date.

An approval of plans and specifications can be renewed for one year if an application for renewal is submitted within 180 days of expiration. A fee equal to one-half (1/2) of the initial plan review fee is paid. The approval will be effective for one year from the date of expiration.

- g.
  - (1) Permits are valid from the date of issuance until the date of expiration unless suspended or revoked prior thereto.
  - (2) Permit renewal fees become due on such date of expiration.
  - (3) A permit delinquency fee becomes due for failure to pay the permit fee within one calendar month of the permit renewal fee due date.

- h. No permit is transferable from person-to-person or place-to-place.
- i. Each permit certificate must be kept at the establishment, premises or vehicle designated, and displayed in a conspicuous place. Where practicable, permits shall be framed and protected against soiling.

#### **REGULATION 5. Fees**

- a. No permit shall be issued, and no permit is valid, until the permit fee is received by the Department, except that the operator of a charitable nonprofit establishment (which operates to provide relief solely for the poor, distressed or under-privileged) may apply to the Board of Health for a waiver of permit fee. A waiver of fee may be granted only to the operator of an establishment, which maintains a current 501(c)(3) tax exempt designation from the Department of the Treasury, Internal Revenue Service, who demonstrates to the Board of Health that payment of said fee will cause financial hardship. Application for a permit fee waiver shall be made using forms provided by the Department.
- b. Investigation Fees:

If any work for which a permit is required has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The fee shall be calculated at a rate of \$70.00 per hour. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Environmental Health Code or the regulations of the Arizona Department of Health Services or Arizona Department of Environmental Quality or from any penalty prescribed by law.
- c. Plan Review Fees:

Plan review fee shall be determined based on an initial fee plus an hourly rate.

  - (1) If the actual cost of processing the application for a plan review is greater than the initial fee, the Department shall send the Applicant a final itemized bill for the difference between the initial fee and the actual cost of processing the application except that the final bill shall not exceed the applicable maximum fee. Such a difference shall be paid in full before issuance of the permit.
  - (2) In determining an hourly rate for services, the fee shall not exceed the reasonable cost of providing the services required as established by A.R.S. 36 187.C.2.
  - (3) From the effective date of this regulation the hourly rate shall be \$70.00 dollars per hour based on the Department's cost for a full fiscal year. Expedited, design/build and phased plan reviews shall be assessed at two times the hourly rate. The Board of Supervisors may amend the hourly rate annually.

Fees shall be paid according to the following table:

**CHAPTER I**  
**MARICOPA COUNTY HEALTH CODE**  
**FEE SCHEDULE - Effective April 3, 2002**  
**Permits, Inspections, Plans Examination**

<b>Permit Required</b>	<b>2 Yr. Fee</b>
<b>ADVENTURE FOOD SERVICE</b>	380.00
Bakery	420.00
Bottled Water & Beverage Plants	500.00
Chemical Toilets	3.10 per unit
Eating & Drinking Establishment (0-9 Seating Cap.)	290.00
Eating & Drinking Establishment (10+)	520.00
Food Catering	380.00
Food Jobber	310.00
Food Processor	370.00
Ice Manufacturing	540.00
Landfill	900.00
Meat Markets	390.00
Pet Shops	210.00
Public Accommodations	280.00
Retail Food Establishments	
Grocery	300.00
Damaged Foods	410.00
Refrigerated Warehouse/Locker	580.00
Pools	
Hydro Therapy Pool	150.00
Wading Pool	150.00
Swimming Pool	200.00
Trailer Parks	72.00
	+2.20/space
Vending Machines	190.00
Water Transportation	80.00
<b>PERMIT REQUIRED</b>	<b>1 Yr. Fee</b>
Food Peddler	120.00
Mobile Food Unit	175.00
Senior Citizen Center Food Service	200.00
Food Banks	100.00
Day Care Center Food Services	135.00
Push Cart	105.00
Garbage Hauler	120.00 Per Vehicle
Non-Hazardous Liquid Waste Hauler	175.00 per vehicle
School Ground	75.00
Group Homes	320.00
<b>SERVICE KITCHEN</b>	70.00
<b>SCHOOL FOOD SERVICE PERMIT</b>	260.00
<b>MISCELLANEOUS FOOD</b>	70.00
<b>PERMIT REQUIRED</b>	<b>1 Yr. Fee</b>
Water System Operating Permit - Community	
Greater Than 100,001 Pop.	5100.00
Plus For Each Well Site	100.00
Plus For Each Treatment Plant	1400.00
10,001 - 100,000	2700.00
Plus for each well site	100.00
Plus for each treatment plant	1200.00

1,001 - 10,000	1800.00
Plus for each well site	100.00
Plus for each treatment plant	1000.00
101 - 1,000	450.00
25 - 100	225.00
Water System Operating Permit – Non-Community	
Greater Than 1001 Pop	400.00
25 - 1000	175.00
Waste Treatment Works Operating Permit	2100.00
Reuse Facility Operating Permit	300.00

<b>Plan Review Fee Schedule</b>	<b>INITIAL</b>	<b>MAXIMUM</b>
Eating & Drinking Establishment (0-9 Seating Cap.)	250.00	750.00
Mobile Food Units	65.00	65.00
Food Establishments	350.00	750.00
Pet Shops	175.00	375.00
Public Accommodations	300.00	630.00
Schools Food Service	350.00	750.00
School Facilities other than Food (Grounds)	250.00	750.00
Swimming Pool (Size Sq. Ft.)	200.00	840.00
1001 - 2000	680.00	2040.00
2001 - 9999	795.00	2385.00
Greater than 10,000	1050.00	3165.00
Swimming Pool Pump Test	125.00	375.00
<b>SWIMMING POOL VARIANCE</b>	200.00	
All Other Plans (Minor Remodels)	150.00	750.00
<u>Design/Build Plan Submittal</u> (Requires Prior Approval) Two Times Plan Review Fee		
<u>Phased Plan Submittal</u> (requires prior Administration approval) Two times Plan Review Fee		
<u>Expedited Plan Review Fee</u> is twice the fee for that category. (Requires prior Administration approval)		
Individual Sewage Disposal System		
less than 1499 gal	225.00	225.00
*1500 - 2000	260.00	780.00
Greater than 2000	305.00	915.00
Site Inspection	100.00	300.00
OBSERVE PERCOLATION TEST	150.00	
*Includes up to Two (2) Construction Inspections		
Trailer Parks Include Constr. Insp	170.00	850.00
Water System Include Constr. Insp	100.00	500.00
Sewer System Include Constr. Insp	100.00	500.00
Water Plant Include Constr. Insp.		
Treatment Plants >1 Mgd	3000.00	12000.00
Treatment Plant .1 Mgd TO 1 Mgd	1500.00	7500.00
Treatment Plants < 99,999 Gal/Day	1000.00	5000.00
Well Site	120.00	1000.00
Storage Tank (atmospheric and pressure)	120.00	1000.00
Alternative Individual Sewage Disposal System Permit and Construction Inspection	300.00	1750.00

Plan Review Fee Schedule	INITIAL	MAXIMUM
Waste Treatment Works Include Constr. Insp.		
> 1 Mgd	3000.00	12000.00
.1 Mgd TO 1 Mgd	1500.00	7500.00
<100,000 GAL/DAY	1000.00	5000.00
MAG 208 Certification	150.00	750.00
Experimental Project Approval Including Four (4) Quarterly Inspections	300.00	5000.00
Water System Blending Plans	150.00	750.00
Refuse Collection Variance Plan	150.00	750.00

Subdivision	340.00	1020.00
Investigations (subdivisions, Zoning and Board of Adjustment Cases)	150.00	300.00
Waste Water Reuse	250.00	1500.00
Ground Water Recharge	250.00	4000.00
All Other Plans	150.00	750.00
Master Plan Review and Approval	150.00	750.00

Miscellaneous Fees	FEE
Seasonal Food Establishment (120 Days)	190.00
Food Peddler (90 day)	70.00
Temporary Food Service Establishment	
Application Received 7 Days Prior To Event	60.00
Application Received Less Than 7 Days Prior To Event	80.00
Plan Reproduction	6.00/sheet
VA, FHA, MHR, etc. Approval	30.00
Duplicated Copy	.50/sheet
Delinquency Fees (Permits) to be charged when annual permit fee is delinquent	
Over 30 days	30.00
Over 60 days	50.00
Food Service Worker License	12.00
Food Service Manager License	12.00
Food Service Worker/Manager License Renewal	12.00
All Others	30.00
Dye Tests	120.00
Domestic Well Approval	65.00

Water System Site Sampling Plan, Emergency Operation Plans, Backflow Prevention Plan or Other Plans	
Community	FEE
Greater than 100,001 Population	\$300/Plan
10,001 - 100,000	\$250/Plan
1001 - 10,000	\$200/Plan
101 - 1000	\$150/Plan
25 - 100	\$120/Plan
Non-Community	
Greater than 1001 Population	\$150/Plan
25 to 1000	\$120/Plan
New Source Approval Water Quality Review and Report	\$250/Review

## **REGULATION 6. Rejection of Application --Right to Hearing**

A person who has been denied a permit may within 15 days of notification thereof request a hearing before the Environmental Health Officer to show cause why a permit should be issued

## **REGULATION 7. Suspension and Revocation of Permits**

### **a. Suspension of Permit:**

- (1) When the Environmental Health Officer finds that a permit holder or operator has failed to comply with a notice of violation of this Code or that there exists on the permitted premises such a severe and imminent health hazard as to require emergency action, and incorporates a finding to that effect in its order, summary suspension of the permit may be ordered pending proceedings for revocation or other action.
- (2) Upon suspension of the permit, the holder of the permit may immediately move to vacate the suspension order and the Environmental Health Officer shall hear such motion within five (5) days. In no event may a summary suspension remain in effect for more than twenty-five (25) days.
- (3) Upon suspension of the permit, the premises will thereupon be posted closed. The closure sign will be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Environmental Health Officer.

### **b. Revocation of Permit:**

- (1) The Environmental Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Code or for interference with the regulatory authority in the performance of duty.
- (2) Prior to revocation, the Environmental Health Officer shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the twenty (20) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such twenty (20) day period, revocation of the permit becomes final. If a request for hearing is timely filed, the hearing shall be held within twenty (20) days of receipt of the request.
- (3) Upon delivery of notice of permit revocation, the establishment will thereupon be posted with a warning sign noting that said establishment may not meet minimal health standards. This sign will be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Environmental Health Officer.



(4) Service of Notices.

- (a) A notice provided for in this Environmental Health Code is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified-mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority. The notice shall comply with the provisions of A.R.S. 41-1061.B.

(5) Hearings.

- (a) Hearings held pursuant to the provisions of this article shall be conducted in accordance with the requirements of A.R.S. 41-1061 ET SEQ.

(6) Application after Revocation.

- (a) Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

**REGULATION 8. Notice to Appear**

Peace officers and the Director, shall have the authority to issue a notice to appear under the same conditions and procedures as set for in A.R.S. 13-3903 for any violation of this Code (A.R.S. 36-191).

**REGULATION 9. Reserved**

**REGULATION 10. Severability**

Should any section, sentence, clause, phrase or word of this Environmental Health Code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Code shall not be affected thereby.

**REGULATION 11. Violation**

- a. Violations of this Environmental Health Code may be redressed by proceedings pursuant to A.R.S. 36-601.B., 49-142 or 49-143; by injunctive relief in Superior Court; or by any other applicable remedies provided by law. In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3 Misdemeanor as provided in A.R.S. 36-183.02 and 36-191 and may be punished accordingly.
- b. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this Code, if the Environmental Officer has notified the source of the violation and makes a Prima Facie showing that the conduct or

events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violations shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous

compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

- c. Notice under this section is accomplished by the issuance of a Cease and Desist Order or Permit Revocation or by filing a complaint in Superior Court.

#### **REGULATION 12. Cease And Desist And Abatement**

When the Environmental Health Officer has reasonable cause to believe from information furnished to such officer or from investigation made by such officer that any person is maintaining a nuisance or engaging in any practice contrary to this code, he may forthwith serve upon such person by certified mail, in person, or by designee a Cease and Desist Order requiring the person, upon receipt of the order to cease and desist from such act. Within fifteen days after receipt of the order, the person to whom the order is directed may request a hearing. The Environmental Health Officer or his designee, within a reasonable time thereafter, shall hold a hearing, to determine whether the order is reasonable and just, and the practice engaged in is contrary to this code.

Upon the failure or refusal of a person to comply with the order of the Environmental Health Officer or if a person to whom the order is directed does not request a hearing and fails or refuses to comply with the Cease and Desist Order served under the provisions of this section, the Environmental Health Officer or his designee may file an action in the Maricopa County Superior Court restraining and enjoining the person from engaging in further acts. The court shall proceed as in other actions for injunctions.

#### **REGULATION 13. Posting of Notices of Violation**

The Environmental Health Officer may, for the purpose of notification to the public, post a warning sign at any premises or establishment describing the nature of legal action being taken against said premises or establishment under the provisions of the Environmental Health Code.

#### **REGULATION 14. Nuisance Abatement Assessment and Lien**

- a. After the Department, acting through its employees, contractors or both has completed the actions necessary to abate or remove a nuisance or source of filth under A.R.S. §36.602(A), the Director shall issue an Assessment Statement to the owner of the property on which such nuisance or source of filth was located.
- b. The Assessment Statement shall include the following information.
  - (1) A description of the assessed costs, which shall include the actual costs of the removal or abatement, incidental costs, and the costs of any additional inspections;
  - (2) Notification that the property owner must pay the assessed costs within thirty days after receipt of the Assessment Statement or by such other date as may be specified for payment in the assessment statement unless an appeal is requested under Regulation 14.c. of this Chapter.

- (3) Notification that the property owner may appeal the assessment to the Maricopa Board of Health in writing within thirty days after receipt of the Assessment Statement; and
  - (4) Notification that failure to pay the assessed costs may result in a lien being placed on the property on which the nuisance or source of filth was located.
- c. The property owner may appeal the assessment to the Board of Health by filing a written request for a hearing within thirty days after receipt of the Assessment Statement.
  - (1) After a hearing, the Board of Health may sustain, modify or revoke the Assessment Statement.
  - (2) If the Board of Health sustains or modifies a cost assessment following an appeal of an Assessment Statement, the assessed costs must be paid within thirty days of the board of health's decision or by such other time as may be specifically provided by the Board of Health.
- d. If the property owner does not pay the assessed costs after the time for payment provided in Chapter 1, Regulation 14.b.(2). or 14.c.(2) has expired, the Director may assess the lots or tracts of land on which the nuisance was abated or removed.
  - (1) The assessment, from the date of its recording in the office of the Maricopa County Recorder, is a lien on the lot or tract of land until paid.
  - (2) Any assessment recorded under this Regulation is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.

R 4-3-02